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Dec 05 2022CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
2013 Gray Ford Focus,
Arizona license plate HFA6SJ;
VIN: 3FA6P0H71DR125933) Case No. 22-04429-MB
)
)
)**ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer.

An electronic application by a federal law enforcement officer for the government requests the search of the following person or property located in the _____ District of Arizona

(Identify the person or describe the property to be searched and give its location): **See Attachment A.**I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal: **See Attachment B.****YOU ARE COMMANDED** to execute this warrant on or before

December 19, 2022

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the search warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave a search warrant copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

Any U.S. Magistrate Judge in the D. of Arizona .

(Name)

☐ I find that immediate notification may have an adverse result as specified in 18 U.S.C. § 3103a (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____ .

Date and Time Issued: _____

Judge's Signature

City and State: Flagstaff, Arizona

Camille D. Bibles, United States Magistrate Judge

Return		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of:		
Inventory of the property taken and name of any person(s) seized:		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Date: _____</p> </div> <div style="width: 60%;"> <p style="text-align: center;">_____ <i>Executing Officer's Signature</i></p> <p style="text-align: center;">_____ <i>Printed Name and Title</i></p> </div> </div>		

ATTACHMENT A – THING TO BE SEARCHED

Description: 2013 Gray Ford Focus SE
Arizona License HFA6SJ
VIN: 3FA6P0H71DR125933
Registered owner: Ali Al-Diney

Location: Grand Canyon National Park
South Rim Vehicle Impound (No assigned address)
Near 10 Albright Ave., Grand Canyon, AZ 86023

ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

Affiant seeks to inspect, search, seize, photograph, and/or obtain the following things and/or conditions (to the extent applicable and/or where feasible) from the vehicle:

1. Indicia of occupancy and/or ownership of the described vehicle;
2. The interior area of the vehicle where Paya indicated Jane Doe fell, including the conditions of the floorboard and any evidence that may have transferred in light of the child's impact and/or contact with such area;
3. Damage to the body of the vehicle which may have been occasioned by the aforementioned driving and crash;
4. The download and/or recovery of all data contained in the vehicle's on-board computer systems, including any Event Data Recorder (EDR), the Powertrain Control Module (PCM), the Airbag Control Module (ACM), or any similar such devices installed on the vehicle, pertaining to driving and that are used to record the circumstances of a crash or a near crash-like condition, including the vehicle's speed, acceleration, braking, and systems operations such as safety belt and steering wheel positions, and used to assist in understanding how the vehicle's systems performed prior to, during, or after the crash described above. Specific comprehensive downloadable data to be removed from the EDR, PCM, ACM, or on-board computer may also include the date and time of event, hard/quick stop(s) recording(s), engine revolutions per

minute (RPM), clutch activity, trip recordings, door status, airbag deployment, and other specific proprietary crash data.

5. The vehicle's lighting system to include examination of the battery, collection of the lamps for later examination to determine whether they were on or off at the time of the collision, and an inspection of the circuits and switches as they relate to the pre-collision lamp operation. This may include the collection and/or documentation of any component that could adversely affect the vehicle's safe operation or caused failure in the system.
6. The vehicle's glass or window components to determine any pre-collision damage or other visual obstructions beyond the car's normal structures, and an examination of the windshield wiper and defrost system. This examination may also include the level of window tinting to determine if there was an adverse effect caused by the presence, or lack thereof, window tinting on the vehicle's operation.
7. The vehicle's Anti-Lock Braking System (ABS) to include examination of the separate ABS/Traction Control (TC) module, the fluid reservoir master cylinder, boosting system, brake lines, pads and linings. (E) The vehicle's steering system to include examination of the fluid reservoir, power steering pump or boosting system, belts, and hoses, as well as the mechanical elements of the steering system. The may include the collection and documentation of

any component that could have adversely affected the vehicle's pre-collision operation or caused failure in the system.



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FAX or Internet

Dec 05 2022CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA**UNITED STATES DISTRICT COURT**for the
District of Arizona

In the Matter of the Search of:

**2013 Gray Ford Focus,
Arizona license plate HFA6SJ;
VIN: 3FA6P0H71DR125933**)
)
)
)

Case No. 22-04429-MB

(Original To Be Filed With Court)

ELECTRONIC APPLICATION FOR SEARCH WARRANT

I, the undersigned, a federal law enforcement officer, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on and within the following person or property:

See Attachment A.

located in the _____ District of _____ Arizona _____, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Sections

18 U.S.C. § 113(a)(6)

36 C.F.R. § 4.23(a)(1)

18 U.S.C. §§ 13, A.R.S § 13-3623

Offense Descriptions

Assault with Serious Bodily Injury

Driving under the Influence of Alcohol

Child Abuse

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached **Affidavit**).
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days) days: is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by: /s/ AUSA Dondi Osborne**Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct.**Executed on 12/5/2022**PHILIP OAKES**Digitally signed by PHILIP OAKES
Date: 2022.12.05 14:32:09 -07'00'*Applicant's Signature*

Philip Oakes, Special Agent, NPS

*Printed Name and Title*X Sworn by Telephone

Date/

Time: _____

*Judge's Signature*City and State: Flagstaff, Arizona

Camille D. Bibles, United States Magistrate Judge

Printed Name and Title

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
ELECTRONICALLY SUBMITTED AFFIDAVIT

I, NPS Special Agent Philip Oakes, state under oath as follows:

1. I am a Special Agent (SA) with the National Park Service (NPS), United States Department of the Interior. I am presently assigned to the Intermountain Region, duty stationed at Grand Canyon National Park. I have been employed by the NPS since 2007 and have worked in the role of Special Agent and as a U.S Park Ranger in Colorado, Texas, Washington, and Arizona. Prior to working with the NPS, I was a Law Enforcement Ranger with the City of Boulder, Colorado, from April 2004 until October 2006. I have received training at the Federal Law Enforcement Training Center, completing the Land Management Police Training and the Land Management Investigator Training Program. I have attended numerous training courses in a variety of law enforcement subjects and have conducted criminal investigations into a variety of offenses.

2. The information contained in this affidavit is based upon your affiant's personal knowledge, training, experience, as well as information provided by other law enforcement officers and witnesses including those listed herein. Your affiant has not included every fact known to him concerning this investigation. Your affiant has set forth only the facts necessary to establish probable cause to support issuance of the requested search warrant.

Introduction/Background

3. This case involves the November 24, 2022, driving under the influence vehicle crash, near Supai Camp on the South Rim of Grand Canyon National Park, which is within the territorial jurisdiction of the United States, in violation of 36 C.F.R. § 4.23(a)(1). The vehicle crash involved the serious bodily injury, fractured skull, of an unrestrained 18-month-old girl, Jane Doe, in violation of 18 U.S.C. §§ 113(a)(6), 13, and A.R.S. § 13-3623.

Investigation

4. On the evening of November 24, 2022, at approximately 2025 hours, Grand Canyon National Park dispatch received a 911 call from a reporting party, Kiesha Paya, stating she had gotten into a car with a woman who was intoxicated and is now acting “recklessly” and “dangerously.” Paya called back to dispatch requesting help from rangers because she was carrying Jane Doe. Paya stated Giavanna WHITTAKER was driving the vehicle when it crashed.

5. United States Park Rangers (USPR), a Coconino County Deputy, and an Arizona Department of Public Safety Trooper responded to the area of Supai Camp within Grand Canyon National Park.

6. USPR Dave Stack was the first to arrive on scene. He observed a vehicle an estimated 60 yards off the road in the forest. USPR Stack approached the vehicle in search of occupants and heard a female yelling obscenities to include

“Fuck everything!” from a hillside far from the vehicle. The air temperature at the time was 19 degrees Fahrenheit.

7. USPR Stack contacted a female, identified as Giavanna WHITTAKER, who stated she had been drinking alcohol and was the driver of the vehicle. WHITTAKER was unsteady on her feet, slurred her words, became verbally uncooperative by talking over the USPRs and intentionally falling to the ground after telling USPR Emily Hassell, who had arrived on scene, she needed to be held upright.

8. USPRs arrested WHITTAKER for driving under the influence, being under the influence to a degree she was a danger to herself and other, failure to maintain control of the vehicle, and driving off-road.

9. USPR Stack then interviewed the reporting party, Kiesha Paya. Paya stated that WHITTAKER was driving. She estimated that WHITTAKER was a 7 on a scale of 1-10, with 10 being the most intoxicated she had ever seen WHITTAKER. Paya stated she and WHITTAKER had been drinking and WHITTAKER wanted to go buy more alcohol. WHITTAKER drove the 2013 Gray Ford Focus SE while Paya was in the passenger seat holding Jane Doe. There was no child car seat in the vehicle. Paya stated that WHITTAKER told her not to drop Jane Doe and threatened her with bodily harm if she did.

10. Paya further advised that while exiting Supai Camp to make a left turn onto Rowe Well Road, WHITTAKER missed the turn, and the car left the roadway.

The car went over several large drops and steep embankments. Paya was unable to hold Jane Doe due to the impacts and hitting her head on the roof and dropped her. Paya stated Jane Doe hit the floorboard of the front passenger area. WHITTAKER continued to try to get the car back to the road by driving off-road through the woods and various drainages and attempted to drive up a steep embankment, approximately 3 times, to railroad tracks. Paya took Jane Doe and exited the vehicle. While walking away from the accident Paya became turned around in the woods and called 911.

11. While being interviewed by USPR Stack, Paya was holding Jane Doe. In the body worn camera footage Jane Doe appeared quiet and limp. When USPR Stack discovered she was unrestrained in the vehicle and hit the floorboard he called for an ambulance. The responding National Park Service Paramedic assessed Jane Doe who at this point was completely limp. It took several minutes of stimulation to rouse Jane Doe. Jane Doe was taken to Flagstaff Medical Center where she was assessed by hospital staff and Susann Clinton, who is a Forensic Nurse Practitioner with the Safe Child Center in Flagstaff, AZ.

12. On December 1, 2022, your affiant talked to Clinton who stated Jane Doe had an acute Occipital Lobe (base of skull) fracture with no calcification (healing). Clinton said it would take a large mechanism of injury, consistent with a vehicle accident, to cause the injury.

13. On December 1, 2022, Special Agent Abby Confer and your affiant documented the scene. The total length of the travel off-road by the Ford Focus was

approximately 332 feet. This includes going over several boulders, washes, and steep drops of up to 5' 6".

14. Your affiant is aware that many motor vehicles are equipped with on-board computers and/or data recovery devices known as Event Data Recorders (EDR), Powertrain Control Modules (PCM), and Airbag Control Modules (ACM). These data recovery devices contain information related to the vehicle's acceleration, braking, speed, airbag deployment, etc., during and/or prior to the crash. Specific comprehensive downloadable data from the EDR, PCM, or on-board computers include: date and time of event, hard/quick stop(s) recording(s), road speed, accelerator position, engine revolutions per minute (RPM), brake and clutch activity, trip recordings, seat belt status (buckled/unbuckled), door status, airbag deployment, and any specific proprietary crash data.

15. Your affiant has researched the types of data recovery devices Ford states they equip in their vehicles since 1997. Your affiant has learned that the EDRs installed in Ford vehicles will capture information on how various systems are operating including information on safety belt and steering wheel positions, acceleration and braking information, and speed.

16. Your affiant also seeks to conduct, or cause to be conducted, an inspection of the vehicle to better understand factors involved in the crash including whether the condition of the vehicle contributed to the crash. This may include

inspections of the vehicle's operational and/or mechanical system, including the vehicle's steering, lighting, windows/windshield, and brake system.

17. Your affiant is seeking a search warrant for the 2013 Gray Ford Focus, VIN 3FA6P0H71DR125933, which is particularly described in Attachment A. Your affiant believes that there is probable cause to support that evidence related to the vehicle crash on November 24, 2022, will be found in or on the vehicle. Thus, your affiant seeks to inspect, search, seize, test, photograph, and/or obtain the things and/or conditions (where applicable and/or feasible) from the vehicle further described in Attachment B.

Conclusion

18. Based on the foregoing, your affiant believes that violations of federal law have occurred, including violations of 18 U.S.C. §§ 113(a)(6), 13, and A.R.S. § 13-3623 and 36 C.F.R. § 4.23(a)(1), and that there is probable cause to believe that evidence of those crimes are located in and/or on the 2013 Gray Ford Focus described in Attachment A. The things to be seized are particularly described in Attachment B.

19. Accordingly, your affiant requests the issuance of a federal search warrant.

20. Because of the nature of the search warrant, including that the vehicle to be searched is currently located at the Grand Canyon National Park Impound Lot your affiant believes reasonable cause exists to permit the execution of the requested

warrant at any time in the day or night.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2022

PHILIP OAKES Digitally signed by PHILIP OAKES
Date: 2022.12.05 14:32:47 -07'00'

Philip Oakes
Special Agent
National Park Service

X Sworn by Telephone

Date/Time: _____

Camille D. Bibles
United States Magistrate Judge

ATTACHMENT A – THING TO BE SEARCHED

Description: 2013 Gray Ford Focus SE
Arizona License HFA6SJ
VIN: 3FA6P0H71DR125933
Registered owner: Ali Al-Diney

Location: Grand Canyon National Park
South Rim Vehicle Impound (No assigned address)
Near 10 Albright Ave., Grand Canyon, AZ 86023

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3. Damage to the body of the vehicle which may have been occasioned by the aforementioned driving and crash;
4. The download and/or recovery of all data contained in the vehicle's on-board computer systems, including any Event Data Recorder (EDR), the Powertrain Control Module (PCM), the Airbag Control Module (ACM), or any similar such devices installed on the vehicle, pertaining to driving and that are used to record the circumstances of a crash or a near crash-like condition, including the vehicle's speed, acceleration, braking, and systems operations such as safety belt and steering wheel positions, and used to assist in understanding how the vehicle's systems performed prior to, during, or after the crash described above. Specific comprehensive downloadable data to be removed from the EDR, PCM, ACM, or on-board computer may also include the date and time of event, hard/quick stop(s) recording(s), engine revolutions per

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